BOX Sea

ARNOLD & PORTER

202.942.5000 202.942.5999 Fax

555 Twelfth Street, NW Washington, DC 20004-1206



July 6, 2001

Commissioner for Patents Washington, DC 20231

Attention: Box Sequence

Re:

U.S. Utility Application No. 09/732,627

Filed: December 8, 2000

For: Nucleic Acid Molecules and Other Molecules

Associated with Plants Inventors: Karen L. Fincher Atty. Docket: 38-21(51770)B

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

- Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- 2. Copy of the Notice to Comply with Requirements for Patent Applications
 Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- 3. Preliminary Amendment;
- 4. A substitute Sequence Listing on CD-ROM (three CD-ROMs: Copy 1, Copy 2, and CRF);
- 5. Statement Regarding Sequence Submission; and
- 6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1824 under reference number 38-21(51770). A duplicate copy of this letter is enclosed.

incerel

Enclosures

une E. Cohan (Reg. No. 43,741)

ATES PATENT AND TRADEMARK OFFICE

In re application of:

Karen L. Fincher

Appln. No.: 09/732,627

Filed:

December 8, 2000

For:

Nucleic Acid Molecules and Other

Molecules Associated with Plants

Art Unit:

Not yet assigned

Examiner:

Not yet assigned

Atty. Docket: 38-21(51770)B

Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures

Commissioner for Patents Washington, DC 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed May 11, 2001, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Copy of Notice to Comply with Requirements for Patent Applications Containing 1. Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
- Substitute sequence listing (Copy 1 and Copy 2) and computer readable form 2. (CRF) for the above referenced application, all on CD-ROM;
- 3. A statement regarding sequence submission under 37 C.F.R. § 1.821(f) and 1.821(g); and
- 4. A preliminary amendment to enter the sequence listing into the specification.

The Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, stated that the present application failed to comply with the requirements of 37 C.F.R. § 1.822 and/or § 1.823.

Applicants are submitting a substitute computer readable Form (CRF) of the sequence listing a substitute copy of the sequence listing on two CD-RS (copy 1 and copy 2) and a statement under 37 C.F.R. § 1.821(f) § 1.821(g) in response to the Notice.

It is not believed that any fees are required at this time. However, if extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 50-1824 under our reference number 38-21(51770)B.

Respectfully submitted,

awrence M Laur

Lawrence M. Lavin, Jr. (Reg. No. 30,768)

by June E. Cohan (Reg. No. 43,741)

Date: July 6, 2001

Patent Department, E2NA Monsanto Company 800 N. Lindbergh Blvd.

St. Louis, MO 63167

Tel: 314-694-3602 telephone Fax: 314-694-1671 facsimile



United States Patent and Trademark Office



COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231

www.uspta.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/732,627

Lawrence M. Lavin, Jr.

800 N. Lindbergh Boulevard

Monsanto Company Patent Department, E2NA

St. Louis, MO 63167

12/08/2000

Karen L. Fincher

38-21(51770)B

CONFIRMATION NO. 8885

FORMALITIES LETTER

OC000000006065953*

Date Mailed: 05/11/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE **DISCLOSURES**

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR

• A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase Patentin Software, call (703) 306-2600
- For Patentin Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE